

United States Department of Agriculture

AGRICULTURAL MARKETING SERVICE

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the Insecticide Act]

1778-1789

(Approved by the Assistant Secretary of Agriculture, Washington, D. C., April 21, 1941)

1778. Adulteration and misbranding of M-T-C (Mercuro-Tri-Carbolate) Antiseptic Tablets. U. S. v. Ross O. Johnson and Ralph W. Firke, co-partners, trading as the Concentrate Products Company. Plea of guilty. Total fines, \$400. Each defendant sentenced to 3 months in jail, which sentences were suspended and the defendants placed on probation for 2 years. (I. & F. No. 1920, sample No. 41425-B.)

The label for this product failed to bear the required ingredient statement. The product contained mercury bichloride in a proportion less than that stated on the label, which also bore an unwarranted statement that the product would sterilize drinking water.

On September 17, 1936, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ross O. Johnson and Ralph W. Firke, co-partners, trading as the Concentrate Products Company, at Champaign, Ill., alleging shipment in interstate commerce, on or about October 25, 1935, from Champaign, Ill., into the State of Minnesota, of a quantity of M-T-C (Mercuro-Tri-Carbolate) Antiseptic Tablets, which were an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Tablets * * * Consist of Bichloride Mercury 16% * * *."

The product was alleged to be misbranded in that the statement, "Tablets * * * Consist of Bichloride Mercury 16% * * *," borne on the label, and the statements, "Mercuro-Tri-Carbolate dissolved in drinking water thoroughly sterilizes it * * * Water sterilized with Mercuro-Tri-Carbolate * * * Give water sterilized with Mercuro-Tri-Carbolate * * * Give water sterilized with Mercuro-Tri-Carbolate," borne on the circular enclosed and shipped with the product, were false and misleading and tended to deceive and mislead purchasers, since the product consisted of mercury bichloride in a proportion less than 16 percent, and the product would not sterilize drinking water. It was alleged to be misbranded further, in that it consisted partially of inert substances or ingredients, namely, substances other than mercury bichloride, and the name and percentage amount of each inert substance were not stated plainly and correctly on the label; nor in lieu thereof were the name and the percentage amount of each substance or ingredient thereof having fungicidal properties, and the total percentage of the inert substances present therein, stated plainly and correctly on the label.

On March 27 and July 29, 1940, the respective defendants entered pleas of guilty and were each sentenced to serve 3 months in jail and to pay a fine of \$200 each. The jail sentences were afterwards suspended and the defendants were placed on probation for 2 years.

GROVER B. HILL,

Assistant Secretary of Agriculture.

1779. Misbranding of Ant Ded. U. S. v. Midway Chemical Co., Inc. Plea of nolo contendere. Fine, \$105. (I. & F. No. 2160, Sample Nos. 24,013-D, 48,368-D.)

The label for this product bore the unwarranted claim that it would kill sweet-eating ants and grease-eating ants, when used as directed.

On February 23, 1940, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against the Midway Chemical Co., a corporation, Chicago, Ill., alleging shipments in interstate commerce, on or about May 11, 1938, and May 24, 1939, from Chicago, Ill., into the States of Minnesota and Ohio, of quantities of "Ant Ded," which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product in both shipments was alleged to be misbranded, in that the statements, "Ant Ded For Use Indoors As Well As Outdoors Kills Ants When Used as Directed * * * Directions Open entrance for ants by pushing in scored spots in top. Be sure that all of the entrances are open so that the ants will be able to go in either side they prefer, depending upon whether they are Grease Eating Ants or Sweet Eating Ants. Then place the can flat on the lawn or wherever you care to kill the ants, with the open entrances toward the bottom. For best results, do not place Ant Ded Poison more than 15 feet apart in the lawn * * * This can contains two different kinds of Ant Poison—one for Sweet Eating Ants, the other, for Grease Eating Ants. Both Ant Poisons are complete—nothing is to be added to the can. The extra large air space is for utility," borne on the labels, were false and misleading and tended to deceive and mislead purchasers, since the product would not act as an effective insecticide against ants when used as directed.

On August 5, 1940, a plea of nolo contendere having been entered, a fine of \$105 was imposed.

GROVER B. HILL,

Assistant Secretary of Agriculture.

1780. Misbranding of Exserco Insecticide Perfumed Fly Spray. U. S. v. Milton L. Amshel, trading as the Exserco Products Co. Plea of nolo contendere. Fine, \$100 and costs. (I. & F. No. 2189. Sample No. 81148-D.)

Sample packages of this product showed that each contained less than one pint thereof, the quantity stated upon the label.

The label failed to bear the statement that repeated applications were required for killing of flies, and for the control of moths and silverfish, and the control of other insects indicated by the abbreviation "etc."

On September 5, 1940, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Milton L. Amshel, trading at Pittsburgh, Pa., under the name of the Exserco Products Co., alleging shipment in interstate commerce on or about August 4, 1939, from Pittsburgh, Pa., into the State of New York, of a quantity of Exserco Insecticide Perfumed Fly Spray, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statements, "Exserco Insecticide Perfumed Fly Spray Kills * * * Flies * * * Flies * * *—Spray room with Exserco Insecticide, spraying upwards in all directions. Keep doors and windows closed for 10 minutes. Moth and Silverfish—Thoroughly brush the garment, then spray Exserco Insecticide everywhere under seams, collars, etc. * * * This insecticide will kill all larvae and eggs with which it comes in thorough contact. Roaches, * * * Etc. * * *," * * * "1 Pint," borne on the label, were false and misleading and tended to deceive and mislead purchasers, since the product when used as directed would not kill flies, would not control moths and silverfish without repeated applications, nor would it control all other insects included in the abbreviation "etc.," and the packages contained less than one pint of the product.

On November 20, 1940, a plea of nolo contendere was entered, and on February 6, 1941, a fine of \$100 and costs was imposed.

GROVER B. HILL,

Assistant Secretary of Agriculture.

1781. Adulteration and misbranding of "A Remedy Erroneously Sometimes Called Dry Dip." U. S. v. Verney H. Heumes, trading as the German Laboratories. Plea of guilty. Fine, \$25 and costs. (I. & F. No. 2167. Sample Nos. 55888-D, 55889-D.)

Analyses made of samples from the two shipments involved in this case showed that the product contained a smaller percentage of active ingredients and a larger percentage of inert ingredients than were stated on the labels. The labels also bore unwarranted claims that the product would act as a disinfectant and as an insecticide under the conditions stated upon them. They also failed to bear the required ingredient statement.

On December 2, 1940, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against Verney H. Heumes, trading under the name and style of the German Laboratories, at Cedar Rapids, Iowa, alleging two shipments in interstate commerce on or about August 18 and November 1, 1939, from Cedar Rapids, Iowa, into the State of Illinois, of quantities of a product labeled as "A Remedy Erroneously Sometimes Called Dry Dip," which was an adulterated and misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The product in both shipments was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely: "This product contains 50% inert matter 50% total active ingredient."

The product in both shipments was alleged to be misbranded in that the following statements, borne on the label, "This Product Contains 50% Inert Matter 50% Total Active Ingredient," * * * "This is used for combating FLU GERMS in live stock. * * * sprinkle plenty of this remedy in the hogs bedding * * * A KILLER AND REPELLENT FOR SOME THINGS, USED FOR COMBATTING FLU GERMS. FOR HORSES AND CATTLE * * * Disinfect the stables, pens or stalls well after each cleaning * * *" * * "DRY DIP * * * A KILLER AND REPELLENT FOR SOME THINGS * * * FOR POULTRY Clean the poultry house or coops and sprinkle floors well with Flu Remedy as well as roosts before putting in fresh bedding. Make a dust bath for the hens to roll in by using 10 parts wood ashes to one part Flu Remedy. CAUTION If dusting the poultry direct, dilute the Flu Remedy with 10 parts fine air slack lime or wood ashes to one part Flu Remedy," * * * "FOR GARDEN OR PLANT BUGS. Sprinkle Flu Remedy on the young vine or plant while the dew is on, so that the powder will stick to the leaves and stem," were false and misleading, and tended to deceive and mislead purchasers, since the product contained inert matter in a proportion greater than 50 percent, and contained total active ingredient in a proportion less than 50 percent; it was not a disinfectant, it would not disinfect stables, pens, or stalls, it was not a killer and repellent of germs, nor would it combat flu germs when used as directed; it would not be effective against insects that attack poultry; and it would not control all garden and plant bugs when used as directed.

The product in both shipments was alleged to be misbranded further in that it consisted partially of inert substances or ingredients and the name and the percentage amount thereof were not stated plainly and correctly on the label; nor in lieu thereof were the name and the percentage amount of each and every substance or ingredient having insecticidal or fungicidal properties, and the total percentage of the inert substances or ingredients so present therein, stated plainly and correctly on the label.

On December 2, 1940, a plea of guilty was entered and a fine of \$25 and costs was assessed to cover the six counts under the Insecticide Act of 1910 and the two counts under the Food, Drug, and Cosmetic Act, with which the case was combined.

GROVER B. HILL,

Assistant Secretary of Agriculture.

1782. Misbranding of Nik-Teen Cartridge. U. S. v. Meyer Odence, trading as the Nik-Teen Tobacco Products Co. Plea of nolo contendere. Fine \$10. (I. & F. No. 2193. Sample No. 2602-E.)

The label for this product failed to bear the required ingredient statement. The product contained an insufficient amount of nicotine to be effective against aphids, and the label bore unwarranted claims that the product would control aphids, moths, bugs, lice, ants, worms, and all other pests in lawns and golf greens, when used according to the directions.

On September 18, 1940, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Meyer Odence, trading at Boston, Mass., under the name and style of the Nik-Teen Tobacco Products Co., alleging shipment in interstate commerce, on or about March 6, 1940, from Boston, Mass., into the State of Maine, of a number of "Nik-Teen Cartridge," which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statements, "Nik-Teen' Nicotine Aphid Cartridge. For 'Nik-Teen' Garden Hose Sprayer. For the control of insects as moths, bugs, lice, ants, worms, and other pests in lawns and golf greens. * * * DIRECTIONS. Insert cartridge in barrel of spray, make sure all rubber washers are in place and attached to sprayer shut-off on end

of hose. Turn on water and spray is ready," borne on the label, were false and misleading and tended to deceive and mislead purchasers, since the product did not contain nicotine in an amount sufficient to be effective against aphids, and it would not control aphids, moths, bugs, lice, ants, worms, and all other pests in lawns and golf greens when used as directed. The product was alleged to be misbranded further, in that it consisted partially of inert substances or ingredients and the name and the percentage amount thereof were not stated plainly and correctly, or at all, on the label; nor in lieu thereof were the name and percentage amount of each and every substance or ingredient of the said article having insecticidal properties, and the total percentage of the inert substances or ingredients present therein, stated plainly and correctly on the label.

On December 17, 1940, a plea of nolo contendere was entered and a fine of \$10 was imposed.

GROVER B. HILL,

Assistant Secretary of Agriculture.

1783. Adulteration and misbranding of powdered derris root. U. S. v. 1 barrel of powdered derris root. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1868, Sample No. 48819-B.)

Analysis of a sample from this shipment showed that the product contained much less rotenone than that stated on the label.

On January 10, 1936, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 barrel of powdered derris root at Charleston, S. C., alleging that the article had been shipped in interstate commerce on or about November 12, 1935, by S. B. Penick & Co., from Weehawken, N. J., and charging that it was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "5% Rotenone."

The product was alleged to be misbranded in that the statement, "5% Rotenone," borne on the label, was false and misleading and tended to deceive and mislead purchasers, since the product contained a much smaller proportion of rotenone than that stated on the label.

On December 20, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

GROVER B. HILL,

Assistant Secretary of Agriculture.

1784. Misbranding of "C-P-C," "Universal Lavenderized Naphthalene Cakes," "Parodien Clora," and "Universal Cedarized Naphthalene Cakes." U. S. v. Hyman Ross and Alexander Mintz, co-partners trading as the Ross Products Company. Plea of not guilty. Jury trial. Total fine, \$200. (I. & F. No. 1787, Sample Nos. 68350-A, 68381-A, 68382-A, 69807-A.)

The label for the product, "C-P-C," bore unwarranted disinfectant claims. The label for the product, "Universal Lavenderized Naphthalene Cakes," bore unwarranted insecticidal claims for the product against moths. The label for the product, "Parodien Clora," bore unwarranted insecticidal claims against moths and unwarranted claims that the product would purify the air in the home. The label for the product, "Universal Cedarized Naphthalene Cakes," also bore unwarranted claims that the product would be effective against moths.

On January 29, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Hyman Ross and Alexander Mintz, trading at New York, N. Y., under the name and style of the Ross Products Company, alleging shipment in interstate commerce on or about April 9 and April 10, 1934, from New York, N. Y., into the States of Massachusetts and New Jersey, respectively, of quantities of C-P-C, which was a misbranded fungicide, Universal Lavenderized Naphthalene Cakes and Universal Cedarized Naphthalene Cakes, which were misbranded insecticides, and Parodien Clora, which was a misbranded insecticide and fungicide, within the meaning of the Insecticide Act of 1910.

The C-P-C was alleged to be misbranded in that the statements, "A cleansing disinfectant * * * For garbage cans and cuspidors.—Sprinkle with one cup of Disinfectant solution to a gallon of water, rinse the can again with some of the solution and leave the wash in the can. * * * For water closets and urinals.—Flush bowls regularly with Disinfectant solution in the proportion of one-half cup to a gallon of water. For sick room.—Use one tablespoonful to a

gallon of water," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the article when used as directed would not disinfect garbage cans, cuspidors, water closets, urinals, and sick rooms.

The product, Universal Lavenderized Naphthalene Cakes, was alleged to be misbranded in that the statements, "Universal Lavenderized Naphthalene Cakes kills moths and moth larvae. Protect your clothing, woolens, carpets, and upholstery from destructive moths. A scientific moth destroyer of exceptional strength. DIRECTIONS Remove wrapper. Use in Closets, Chests, Drawers, etc. Place Directly in Furs, Pianos, Garment Bags, or Clothes Pockets," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product when used as directed would not act as an effective insecticide against moths under all conditions.

The product, Parodien Clora, was alleged to be misbranded in that the statements, "Parodien CLORA Air Sweetner and Moth Repellant. Purifies The Air in Your Home. Hang it up in Bathroom, Bedroom, Living Room, or Clothes Closet," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product when used as directed would not purify the air in the home, would not act as a moth repellant, and would not act as an effective insecticide against moths under all conditions.

The product, Universal Cedarized Naphthalene Cakes, was alleged to be misbranded in that the statements, "UNIVERSAL CEDARIZED NAPHTHALENE Cakes Kills Moths and Moth Larvae. Protect your Clothing, Woolens, Carpets and Upholstery from Destructive Moths. * * * A SCIENTIFIC MOTH DESTROYER OF EXCEPTIONAL STRENGTH. DIRECTIONS Remove Wrapper. Use in Closets, Chests, Drawers, etc. Place Directly in Furs, Pianos, Garment Bags, or Clothes Packets," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product when used as directed would not act as an effective insecticide against moths under all conditions.

The defendants entered pleas of not guilty. On December 23, 1940, a trial before a jury was had, and the court found the defendants guilty, whereupon a fine of \$100 was imposed against each of the two defendants.

GROVER B. HILL,

Assistant Secretary of Agriculture.

1785. Adulteration and misbranding of Vitality Calcium Arsenate Dust and misbranding of Vita-Ro Complete Rotenone Dust 100. U. S. v. The Chas H. Lilly Co., a corporation. Plea of guilty. Fine, \$150 and costs. (I. & F. No. 2197. Sample Nos. 13344-E, 13345-E.)

Samples of the Vitality Calcium Arsenate Dust were found upon analysis to contain less arsenic and more inert ingredients than were stated on its label. The article was found also to contain calcium arsenate as its active ingredient, instead of arsenic as stated on the label. The label also bore unwarranted insecticidal claims and failed to bear a statement of the percentage amount of arsenic in water-soluble form. The label for Vita-Ro Complete Rotenone Dust 100 bore unwarranted insecticidal claims and it also failed to bear the required ingredient statements.

On December 23, 1940, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chas. H. Lilly Co., a Delaware corporation, Seattle, Wash., alleging shipment in interstate commerce, on or about March 18, 1940, from Seattle, Wash., into the State of Oregon, of quantities of "Vitality Calcium Arsenate Dust," which was an adulterated and misbranded insecticide, and "Vita-Ro Rotenone Dust 100" which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The Vitality Calcium Arsenate Dust was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Arsenic 25% Inert ingredients 75%," since it contained arsenic in a proportion much less than 25 percent and inert ingredients in a proportion greater than 75 percent.

The Vitality Calcium Arsenate Dust was alleged to be misbranded in that the statements, "Calcium Arsenate Dust * * *," "Arsenic 25% Inert Ingredients 75% * * *" "the best way to kill plant pests Vitality Calcium Arsenate Dust," borne on the label, were false and misleading and tended to deceive and mislead purchasers, since the article did not consist of calcium arsenate dust but did consist of calcium arsenate and other calcium compounds; the active ingredient was not arsenic, but was calcium arsenate, it contained arsenic in a

proportion much less than 25 percent and it contained inert ingredients in a proportion greater than 75 percent; and in that it would not kill all plant pests when used as directed. The article was alleged to be misbranded further in that it contained arsenic, and the amount of arsenic in water-soluble form, expressed as percentum of metallic arsenic, was not stated on the label.

The Vita-Ro Complete Roteone Dust 100 was alleged to be misbranded in that the statement, "The best way to kill plant pests," borne on the label, was false and misleading and tended to deceive and mislead purchasers, since the article would not kill all plant pests when used as directed. This product was alleged to be misbranded further in that it consisted partially of inert substances, and the name and the percentage amount thereof were not stated plainly and correctly on the label; nor in lieu thereof were the name and the percentage amount of each substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances so present therein, stated plainly and correctly on the label.

On January 13, 1941, a plea of guilty was entered and a fine of \$150 and costs was imposed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1786. Misbranding of Bug-Lo. U. S. v. Irene H. Richter, trading as the Bug-Lo Products Co. Plea of nolo contendere. Fine, \$10 and costs. (I. & F. No. 2194. Sample No. 89029-D.)

This product consisted of active ingredients in a proportion less than 100 percent as claimed on the label. The label also bore unwarranted claims that the product would control ants, roaches, water bugs, fleas, spiders, and silverbugs when used as directed.

On October 31, 1940, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Irene H. Richter, trading at St. Louis, Mo., under the name of the Bug-Lo Products Co., alleging shipments in interstate commerce on or about August 14 and September 20, 1939, from St. Louis, Mo., into the State of Illinois, of quantities of Bug-Lo, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statements, "Bug-Lo For Ants, Roaches, Waterbugs For Fleas, Spiders, Silverbugs Put Small Slice Potato here, Fresh Daily. * * * Remove Cellophane Windows With Pointed Knife Don't Remove Powder. Bug-Lo Dispenser Directions: Cut around both grooves with pointed knife and remove cellophane windows to completely uncover powder. Do not remove powder or center card board. Place small piece of potato on center. Positively not poisonous to animals. Place under ice box, sink, stove, in pantry or along walls. Insects crawl thru powder and carry it to their nests where it kills them, together with all the rest. Bug-Lo is good for several weeks, and can be moved from one place to another. You don't sweep up powder but you do sweep up dead insects. * * * Active Ingredients 100%, "borne on the label, were false and misleading and tended to deceive and mislead purchasers, since it would not control ants, roaches, waterbugs, fleas, spiders, and silverbugs when used as directed, nor did it contain active ingredients in the proportion of 100 percent.

On February 3, 1941, a plea of nolo contendere was entered and a fine of \$10 and costs was imposed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1787. Misbranding of National Pine-O Disinfectant. U. S. v. National Soap Company, a corporation. Plea of guilty. Fine, \$100. (I. & F. No. 2206. Sample No. I. D. 88.)

The label for this product bore unwarranted claims that it would be an excellent disinfectant for use in hospitals and that it would act as an effective disinfectant when used as directed.

The required ingredient statement was not stated on the label.

On February 10, 1941, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Soap Company, a corporation, Detroit, Mich., alleging shipment in interstate commerce on or about August 14, 1940, from Detroit, Mich., into the State of Ohio, of a quantity of National Pine-O Disinfectant, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statement, "This powerful pine oil disinfectant is excellent for use in hospitals," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since it would not be an excellent disinfectant for use in hospitals. The product was alleged to be misbranded further in that the statements, "disinfectant and cleaner * * * or add a small amount of Pine-O Disinfectant to the cleaning water," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since it would not act as an effective disinfectant when used as directed.

The product was alleged to be misbranded further in that it consisted partially of an inert substance, namely, water, and the name and the percentage amount thereof were not stated plainly and correctly on the label; nor in lieu thereof were the name and the percentage amount of each and every substance or ingredient of the article having fungicidal properties, and the total percentage of the inert substance present therein, stated plainly and correctly on the label.

On February 14, 1941, a plea of guilty was entered and a fine of \$100 was imposed.

GROVER B. HILL,

Assistant Secretary of Agriculture.

1788. Misbranding of Mi-Secret Brand Ant Killer. U. S. v. Sidney G. Simons and Charles R. Simons, co-partners, trading under the name of The Carr Chemical Company. Pleas of nolo contendere. Total fine, \$50. (I. & F. No. 2198. Sample No. 65755-D.)

The label for this product bore unwarranted claims that the product when used as directed would control sweet-eating ants, Argentine ants, and other ants; that it would eliminate entire colonies of ants and would rid the house and garden of ants.

On December 11, 1940, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sidney G. Simons and Charles R. Simons, co-partners, trading under the name of The Carr Chemical Company, at Columbus, Ga., alleging shipment in interstate commerce on or about August 28, 1939, from Columbus, Ga., into the State of Florida, of a quantity of "Mi-Secret Brand Ant Killer," which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statements "Mi-Secret Brand Ant Killer For Control of Sweet-Eating Ants * * * Directions Cut off 2-inch strips of Mi-Secret handy applicator included in the package. Thoroughly soak applicators, with Mi-Secret Ant Killer and place in runways of ants. Keep applicators wet with Mi-Secret until all ants are gone. Mi-Secret will be carried to the nest and continued use will often wipe out whole colonies," borne on the label, were false and misleading and tended to deceive and mislead purchasers, since the product would not control sweet-eating ants when used as directed. The product was alleged to be misbranded further in that the statements, "Mi-Secret Brand Ant Killer For Control of Sweet Eating Ants with Handy Applicator Ready for Use * * * Mi-Secret Ant Killer Handy Applicator. It's easy to use Mi-Secret. A handy applicator is included in the package. No fuss, no mess, no bother—when you use Mi-Secret to kill ants in your home. * * * Mi-Secret Ant Killer Guarantee When used according to directions, Mi-Secret Ant Killer is guaranteed to kill common household ants known as sweet-eating ants, or your money will be refunded on return of carton and bottle to our home office. Directions Cut off 2-inch strips of Mi-Secret handy applicator included in the package. Soak applicator thoroughly with Mi-Secret Ant Killer and place in runways of ants. Keep applicators wet with Mi-Secret until all ants are gone. Mi-Secret will be carried to the nest and continued use will often wipe out whole colonies," borne on the individual cartons containing the bottles, were false and misleading and tended to deceive and mislead purchasers, since the product would not control sweet-eating ants in the home when used as directed. The product was alleged to be misbranded further in that the statements, "How to Rid your house and garden of Ants * * * Much research and experiment have proved that Argentine ants cannot be controlled with strong poisons which kill instantly. A few workers will be killed but the masses of ants quickly recognize the source of fatality and avoid the food. Many such poisons to be found on the market will temporarily rid the house of ants, and other ants realizing that the foods are harmful will avoid the building for perhaps several days, but permanent relief is afforded only when the poison is carried back to the nest and fed to the

queen and young ants. Mi-Secret Ant Killer is a scientific formula for ants, designed to exterminate entire colonies, rather than simply kill off the few which may be attracted to it. Use it freely to completely rid your house and garden of ants. Mi-Secret Ant Killer contains ingredients especially attractive to ants, but the poison is of such strength that the workers eating it will carry it back to the colony to feed the queens and their young. While Mi-Secret may be used to good advantage inside the house, it is preferable to place in runways outside the house and in your garden which soon draws the ants from the inside. The handy applicator included with each bottle is an exclusive feature, eliminating all mess and bother, and making Mi-Secret so easy to use. Cut or break off 2-inch strips of the applicator, saturate thoroughly with Mi-Secret Ant Killer and place in runways of ants in and around the house and garden. Keep strips saturated with poison until ants disappear, which will be from within a few hours to a day or so, depending on the size of the colony," borne on the circular enclosed and shipped with the product, were false and misleading and tended to deceive and mislead purchasers, since the product would not control Argentine and other ants, would not exterminate entire colonies of ants, and would not rid the house and garden of ants.

On February 25, 1941, pleas of *nolo contendere* were entered and a fine of \$25 was imposed upon each of the two defendants.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1789. Misbranding of NO-SMUT. U. S. v. The DePree Company, a corporation. Plea of *nolo contendere*. Fine, \$100. (I. & F. No. 2196. Sample No. 4136-E.)

It was erroneously stated on the label that Liquor Formaldehyde constituted one of the active ingredients, that the product contained but 73 percent of inert ingredients, and that it would act as an effective treatment for covered smut of barley, stinky smut of wheat, and loose smut of oats when used as directed.

On February 1, 1941, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against The DePree Co., a corporation, Holland, Mich., alleging shipment in interstate commerce, on or about March 14, 1940, from Holland, Mich., into the State of Illinois, of a quantity of NO-SMUT, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statements, "Active Ingredients: Liquor Formaldehyde U. S. P. 25%, Phenol U. S. P. 2% Inert Ingredients 73%," borne on the label, were false and misleading and tended to deceive and mislead purchasers, since the active ingredients of the article did not consist of liquor formaldehyde and phenol, but did consist of formaldehyde and phenol, and the article contained inert ingredients in a proportion greater than 73 percent. The product was alleged to be misbranded further in that the statements, "NO-SMUT An effective Treatment for Covered Smut of Barley Sinky Smut of Wheat Loose Smut of Oats ½ pint of NO-SMUT is sufficient to treat 20 bushels of grain effectively. * * * Directions for Treating Wheat Use 8 ounces NO-SMUT (half pint) to 4 quarts of water for treating 20 bushels of wheat. Sprinkle or spray the grain with the solution. Shovel over two or three times, then throw blanket or canvas over the pile for two hours. If grain is bagged and tied immediately after treatment, cover the bags and let stand Two Hours. Caution: If Wheat is not sown within Two Hours after treatment, remove covering and spread out pile to allow the disinfecting gases to escape. * * * Directions For Treating Oats Barley Clean and treat 20 bushels of grain at a time. For each 20 bushels use 8 ounces of NO-SMUT (one-half pint) to 4 quarts of water. Sprinkle or spray the grain with this solution. Shovel over two or three times, then throw a blanket or canvas over the pile for two to five hours. If grain is bagged and tied immediately after treatment, cover the bags and let stand for two to five hours. Caution: If oats or barley are not sown within Five Hours after treatment, remove coverings and spread out pile to allow the disinfecting gases to escape," borne on the label, were false and misleading and tended to deceive and mislead purchasers, since the product would not act as an effective treatment for covered smut of barley, stinky smut of wheat, and loose smut of oats when used as directed.

On February 26, 1941, a plea of *nolo contendere* was entered and a fine of \$100 was imposed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

INDEX TO NOTICES OF JUDGMENT 1778-1789

	N. J. No.		N. J. No.
Ant Ded:		National Pine-O Disinfectant:	
Midway Chemical Co., Inc-----	1779	National Soap Co-----	1787
Bug-Lo:		Nik-Teen Cartridge:	
Bug-Lo Products Co-----	1786	Nik-Teen Tobacco Products Co--	1782
Richter, Irene H-----	1786	Odence, Meyer-----	1782
C-P-C:		No-Smut:	
Ross, Hyman, and Mintz, Alex-		DePree Co-----	1789
ander-----	1784	Parodien Clora:	
Ross Products Co-----	1784	Ross, Hyman, and Mintz,	
Dry Dip:		Alexander-----	1784
German Laboratories-----	1781	Ross Products Co-----	1784
Heumes, Verney H-----	1781	Powdered derris root:	
Exserco Insecticide Perfumed Fly		Penick, S. B., & Co-----	1783
Spray:		Universal Cedarized Naphthalene	
Amshel, Milton L-----	1780	Cakes:	
Exserco Products Co-----	1780	Ross, Hyman, and Mintz,	
Mercuro-Tri-Carbolate:		Alexander-----	1784
Concentrate Products Co-----	1778	Ross Products Co-----	1784
Johnson, Ross O., and Firke,		Universal Lavenderized Naphthalene	
Ralph W-----	1778	Cakes:	
Mi-Secret Brand Ant Killer:		Ross, Hyman, and Mintz,	
Carr Chemical Co-----	1788	Alexander-----	1784
Simons, Sidney G., and Simons,		Ross Products Co-----	1784
Charles R-----	1788	Vitality Calcium Arsenate Dust:	
M-T-C (Mercuro-Tri-Carbolate) Anti-		Lilly, Chas. H., Co-----	1785
septic Tablets:		Vita-Ro Complete Rotenone Dust 100:	
Concentrate Products Co-----	1778	Lilly, Chas. H., Co-----	1785
Johnson, Ross O., and Firke,			
Ralph W-----	1778		



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